

Town of Amherst
Zoning Board of Appeals - Special Permit

DECISION

Applicant: Erica Gees, for Joan O'Meara and Daniel Wallack

Date application filed with the Town Clerk: September 7, 2007

Nature of request: A Special Permit to convert a detached garage into a second dwelling unit under Sections 3.3241 and 9.22 of the Zoning Bylaw

Address: 37 Cosby Avenue (Map 11C, Parcel 135, R-G Zoning District)

Legal notice: Published on September 12 and 19, 2007 in the Daily Hampshire Gazette and sent to abutters on September 12, 2007

Board members: Tom Simpson, Hilda Greenbaum and Albert Woodhull

Submissions: The petitioner submitted the following with the application:

- A Management Plan;
- A set of plans drawn by Kuhn Riddle Architects, dated July 15, 2007, that included floor plans and elevations of the proposed new dwelling;
- A surveyed plot plan certified by Harold Eaton, surveyor, dated June 7, 1988;
- Photos of the existing garage and other garages in the area;
- An Amherst GIS aerial view of the garage in relation to the neighborhood.

Submittals from Town staff included:

- A copy of a previous Special Permit ZBA FY89-12 to replace a non-conforming carport attached to the garage, not built;
- An email from the Town Engineer stating that all water sewer and drainage connections are feasible, dated September 13, 2007;
- A memo from the zoning assistant commenting on the dimensional and zoning requirements for this non-conforming lot, dated September 21, 2007.

For the November 6, 2007 hearing, the petitioner submitted a revised four-page set of drawings drawn by Kuhn Riddle Architects, dated July 15, 2007 but changed to the correct date, November 6, 2007.

Site Visit: September 25, 2007

The Board met with architect Erica Gees and owner Joan O'Meara at the site. They observed the following:

- A tight neighborhood consisting of Cosby Avenue, McClellan, Paige and Beston Streets, with small, non-conforming lots and narrow streets;
- The houses along Paige Street that are within a few feet of the road;
- The long, irregularly shaped lot, with its garage on a narrow, 24 foot strip over 100 feet from the house;
- The garage that is proposed for conversion, a one-car, one-story structure in poor condition;

- The location of the garage, set back just a few feet from Paige Street;
- The many trees, flowers and vegetables on the lot;
- The other detached garages in the area, many of which had been converted to dwelling units.

Public Hearing: September 27, 2007

Erica Gees, architect and neighbor, spoke to the petition at the hearing. Property owners Daniel Wallack and Joan O'Meara also were present. Ms. Gees gave the following information:

- The property under consideration has frontage along Cosby, Paige and McClellan Streets.
- The area of the lot is 14, 157 square feet, which is conforming for a single family house in an R-G Zoning District;
- The area required for a 2 family house is 14,500 square feet; this lot is slightly less than the required area;
- The existing building coverage is 8%; maximum building coverage allowed is 25%;
- The existing lot coverage is 11.5%; maximum lot coverage allowed is 40%; (Note that the two coverage figures differ slightly from the memo prepared by zoning staff, but are accurate.)
- The existing garage is 10' x 20'; the proposal is to "bump out" the north side by 4 feet, resulting in a building coverage of 10.1%;
- For conversions, the Zoning Bylaw requires a 500 square foot footprint, but the neighborhood has all small garages, some of which are now dwelling units, and the petitioner wishes to respect the context of the neighborhood;
- There is 500 square feet on the combined two floors of the proposed dwelling unit;
- The intent is to respect the context of the neighborhood and keep the new unit in character with the existing gardens and small garages of the area;
- There are two lots on Cosby Avenue with similar garages that have been converted to dwelling units, and pictures of them were shown to the Board;
- There are several multifamily buildings, non-conforming two and three-family units, nearby on McClellan, Fearing, Paige and North Pleasant Streets;
- The new unit will have an English style design and atmosphere;
- The first floor will be four feet below grade and the south side of the unit (facing McClellan) will have a well entrance, with a gabled dormer over the south entrance;
- An English garden will surround the southern entrance;
- The garage doors on the Paige Street side will remain as part of the building design;
- The exterior finish will be horizontal "novelty siding";
- A second egress will be on the north side of the building;
- Trash and recycling can be stored under the stairway on the north side;
- Paige Street is very narrow, with little traffic and no parking allowed on it;
- Parking will be on the north side of the converted garage, between it and the house on the property;
- One parking place is proposed because the property is located in central Amherst, just a few blocks from the general business district and public transportation;
- The owners wish to follow the "smart growth" principle of not having more than one car for the unit;
- The owners want only one person or a couple living in the unit, and will put that stipulation in the lease;
- The owners will continue to reside in the main house on the property;
- The only exterior lighting proposed will be over the entrances; there is an existing street light at Paige and McClellan Streets;
- The owner has talked to the DPW about water and sewer hookups, which will be possible for the conversion.

Mr. Wallack stated that their project to add a second dwelling unit has been evolving over the years. They have lived at 37 Cosby Avenue since 1992. In terms of the sewer hookup, the DPW said it was not possible to connect to Cosby Avenue because the line is too old. They plan to pump the waste up 100 feet to McClellan via an electric pump. There is a water line on Paige Street; the connection is 50 feet to the north. The Town Engineer has approved both the water and sewer connections.

In terms of the height of the existing garage structure, the petitioner said that it is 12 feet 4 inches from grade to ridge. The new dwelling unit will be 7 feet taller, approximately 19 feet high. They are seeking a below grade structure so that it would fit better into the neighborhood.

The abutting property along McClellan Street, the Schneider house, is 3 stories, but most of the houses in the neighborhood are two stories.

Ms. Greenbaum said that she was confused about the Town GIS map of the property, which shows a parking area behind the house. Mr. Wallack said that a paved area does not exist on the property. It is a mistake on the GIS maps. The Board's site visit confirmed this.

Ms. Greenbaum asked about parking for guests or repairmen if there would be only one off-street parking place for the new dwelling. The applicant responded that there is no parking on Cosby Street during the day, but there is parking in the evening and overnight except for the snow season. Paige Street has no parking at any time, and McClellan Street has both permitted and meter parking. Those are the available options for either a guest or the owner.

Ms. Greenbaum said that a lease may restrict the number of cars associated with the new dwelling now, but the next owner may not limit the parking. The Special Permit goes with the land, not with the person. This can be a problem if only one parking place were available for the new unit.

Ms. Greenbaum asked where the extra storage will go if the garage is converted. Ms. O'Meara said that they do not use the garage at all. They store things in the house and under the deck. They park their cars to the east of the house on Cosby.

Ms. Greenbaum said that, in her opinion, the new dwelling shouldn't have to look like a garage. The stipulation of Section 3.3241 is that there should be no significant change to the exterior of the building except if the Board finds that the modification does not change the building's character or its effect on the neighborhood. Neither of the other two Board members expressed an opinion on this point.

Ms. Greenbaum also said that, in her opinion, "infill", or increasing density in the center of Town, is a good idea; Mr. Woodhull agreed.

Mr. Woodhull asked if it would be possible to move the garage to the north on the property where the setbacks could be more conforming. He said that the garage is in a very odd position with no front or rear setback and with the neighbor's shed so close. Mr. Woodhull noted that the petitioner showed the Board several garages in the area that have been converted to dwelling units, but he said that most are set back from the road and/or behind the main house, and most have a larger footprint.

Mr. Woodhull asked if there was precedence for moving a structure for a conversion Special Permit. Neither the ZBA staff nor the Building Commissioner was familiar with such a move, but did say that a Board decision is not based on precedence; there are no restrictions in the Zoning Bylaw for such a move.

The applicants responded to the idea of moving the garage with several statements:

- Moving the garage further away from McClellan may make the sewer line hookup more problematic;
- There are two one-story garages on McClellan that are only about 200 square feet and have been converted to dwelling units;
- There may be close to a 500 square feet footprint if all the additions to the garage are counted – the stairway, the sunken entrance, the patio, etc.

Peter Schneider, 77 McClellan Street, gave a history of the small strip where the pre-1939 garage is located. He said that originally the small strip was going to be a road to the University, a connector between North Prospect Street and Nutting Avenue, but this was never completed. The previous owner of his house wanted to add the strip of land to his property, which would make his property conforming to the Bylaws, and also clarify the corner of Paige and McClellan. But a Town worker bought the strip of land first for \$1.00, and attached it to 37 Cosby Street instead.

Ms. Gees added that there has been a lot of shifting around of property boundaries in the neighborhood through the years. She noted two non-conforming lots on Cosby Avenue which have two principal dwelling units on them. She also said that the neighborhood was built for the servants of Amherst College faculty, hence the small scale of both the houses and the lots.

Mr. Woodhull stated that the proposal may be for a nice English cottage, but his opinion is that the proposal is pushing the envelope of non-conformity by being so close to the street. Rotating the garage by 90 degrees could be another way to improve the setbacks.

Mr. Woodhull asked where the snow is plowed on Paige Street, since the houses on the east side of the street are located right up to the street line, and the applicants' garage on the west side is up to the line as well. Ms. O'Meara said that the snow is plowed to the north-west corner of McClellan (to the south of the garage) and pushed north to the end of Paige Street, which is a dead end.

Mr. Simpson stated that he had a number of concerns with the proposal

- Section 3.3241 of the Bylaw for converted dwellings allows modification of the dimensional requirements; however, the setbacks for the garage are very non-conforming for a dwelling unit, since they are literally non-existent along Paige Street;
- The petitioner is asking for a residential unit in an area of the lot where one has not been before; it would be better if the garage were moved to a section of the lot that has land around it and is not so non-conforming;
- Section 3.3241.8 of the Bylaw states that no detached structure shall be converted unless it has an exterior footprint of at least 500 square feet;
- Since the garage would essentially have to be re-built, he would like it to be moved so that it could have some setback from the road; the footprint also should be as close to 500 square feet as possible.

Ms. Gees responded that the number of trees on the property would make moving the garage very difficult. Also, if the building were increased so significantly in order to achieve the 500 square feet regulation, it would not be in keeping with the character of the neighborhood.

Ms. Gees also said that there is a real need for modest housing for single professionals. Most of the neighborhood is composed of adult professionals, and folks have even bought neighboring houses in order to rent to graduates or employed members of the community, not undergraduates.

Two members of the public spoke in favor of the proposal. Jesse Major, 32 Cosby Avenue, said that he lives across the street from the applicants. He said that the character of the neighborhood, particularly of Paige Street, is for small structures close to the road. He wants to keep the trees and gardens of the applicants' property. What is proposed is the only way to preserve the character of the neighborhood, he said. He is also against having two parking places for the proposed unit.

Peter Schneider, 77 McClellan Street, said he is the abutter to the west with part of his shed on the applicants' land. He said that he has been struggling in his mind with the strange configuration of the lot. He's thought about the suggested rotation of the garage, or changing the property line to give more room for the garage. He has come to the conclusion that what is proposed is the best solution and he supports it. His one concern is that the west side of the garage may have windows that look into his house, but the applicants reminded him that his shed is between the garage and Schneider's house, giving both dwellings privacy.

The Building Commissioner Bonnie Weeks noted that the proposed windows are in scale with the garage and will meet the Building Code.

Ms. Greenbaum wondered if the hearing should be continued so that the proposal could be redesigned. Mr. Simpson noted that if the applicants have the capacity for complying with the Zoning Bylaw, then they should do so.

Ms. Weeks cautioned the Board that they should not get confused with the rigid criteria of a Variance. This Special Permit application can be viewed with more flexibility under Section 9.22 of the Bylaw, since it is an extension of a non-conforming building on a non-conforming lot.

Ms. Gees noted that with the passage of the Master Plan and future revision of the Zoning Bylaws, the setback requirements could well change to reflect the needs and realities of the Town Center. All the properties in the neighborhood under consideration are non-conforming, for example.

Ms. O'Meara said that they could meet the parking requirements and provide two spaces for the new unit. However, Mr. Woodhull said that he would like to see dwellings with less parking in order to discourage more and more cars, and to encourage walking to the downtown, etc. Mr. Woodhull suggested one permanent paved parking spot and a designated grass area for a second car. That suggestion seemed amenable to the Board and the petitioners.

Mr. Wallack said that he wanted to hear from each Board member what their issues were.

1. Ms. Greenbaum said that one permanent and one overflow space on the grass works for her. She is in favor of the proposal, but wants to see a site plan with parking and landscaping on it.
2. Mr. Simpson said that he would like the building to be moved to meet the setback requirements and other requirements of Section 3.3241. Mr. Wallack said that moving the garage to the main part of the lot would result in the removal of too many pines and maples.
3. Mr. Woodhull said that he would prefer that it be moved, but not made bigger. It should match the scale of the neighborhood. Also, most garages are not so visible he said, and it's ugly where it is situated now. He supports "infill", increasing the density of the downtown neighborhoods and keeping the outlying areas more rural in character.

Mr. Simpson concluded that the petitioners should come back to the Board at another date and present some options for changing the location and/or size of the proposed new unit.

Mr. Simpson made a motion to continue the hearing to October 10, 2007 at 7:30 p.m. Mr. Woodhull

seconded the motion, and the vote was unanimous to continue the hearing to October 10, 2007, at 7:30 p.m.

Continued Public Hearing October 10, 2007

Erica Gees, Daniel Wallack and Joan O'Meara were present to speak at the continued hearing.

Ms. Gees showed the Board four (4) drawings of possible locations and sizes for the proposed conversion:

1. The plan presented at the last hearing – a 14' x 20' structure, facing Paige Street in the same location, with dormers; this plan evoked concerns about setbacks and the non-conformity of the location;
2. A 14' x 25' structure, rotated by 90 degrees with the entrance on the north side and French doors instead of garage doors on the south side, set back from Paige Street by 10 feet, a simpler structure without the dormers; this plan involves a land swap with the McClellan Street neighbors to the west of the garage location; two parking places would be provided on the south side of the house;
3. A 22.5' x 22.5' structure, moved to the north closer to the house; this plan involves cutting down most of the trees on the property;
4. A one-story, "L" shaped structure, with 35 feet along Paige Street, with a much larger footprint than the original house; this plan also involves a land swap with the McClellan Street neighbors.

Both Mr. Simpson and Ms. Weeks indicated that Plan #2 was the best compromise for the parcel.

Mr. Woodhull said that he viewed the property again, and thought that a plan would be presented for location of the new unit that would be closer to the house and north of the trees. But Ms. Greenbaum countered that, given the size of the trees, locating the converted dwelling to the north could damage the tree roots so much as to kill the trees.

Ms. O'Meara said that there would be light problems if the garage were placed to the north of the trees. There are also issues concerning quality of life – they have a passive solar house, and they want passive solar and a more energy efficient design for the new unit also. There is also the environmental issue of killing the trees.

Mr. Woodhull said that he was concerned about the setback along Paige Street. There are multiple buildings, houses and garages, along the east side of Paige Street with no setbacks at all. But the non-conforming setback on the east side should not be a precedent for reducing the setback on the west side of Paige Street. He sees no reason to limit the setback to 10 feet. It should be more if a sidewalk is desired, for example.

Mr. Simpson said that the street is 25 feet wide and the Town owns beyond the paved portion, almost up to the garage doors now. Setting the garage back a bit will provide room for a sidewalk on Town property.

Mr. Woodhull said that he would be more comfortable if the setbacks were reduced on the westerly side of the property in order to have a greater setback along Paige Street.

Ms. Weeks said that front setbacks can be modified to make them similar to the rest of the neighborhood, particularly in a case like this where all the front setbacks are non-conforming.

Ms. Greenbaum said again that she likes Plan #2 the way it is. She said that the petitioners have made efforts to conform to the Bylaw as much as possible.

Ms. Gees said that she wants the hearing to be continued so that she can come back with final plans, but she first wants to hear from the Board what they want.

Mr. Simpson said that he prefers the new dimensions of Plan #2 since it is closer to the 500 square foot footprint required of conversions.

Mr. Woodhull said that to call the proposal a conversion is fiction. The petitioner is taking a small building and changing it significantly. Not one wall of the original building will remain. He is of two minds about the proposal. He thinks that infill is a good thing, but the Board would not really be approving a "conversion". This garage is very different from others in the neighborhood that have been converted, because those garages are located behind the houses. The lot under consideration is divided into two for all intents and purposes. Plan #2 may be a good place for a small building, but it is setting a precedent in the neighborhood. He would prefer, as nearly as possible, a building on the same scale as the existing garage, and consistent in appearance with other converted garages.

Ms. O'Meara responded that they prefer to keep the original garage building as much as possible, plus they tried to compromise and meet the criteria of the ZBA.

Mr. Woodhull said that he would like the garage to be located where, in his opinion, it "ought to be" (behind the house and north of the trees) in order to keep a connection between the two dwellings. Then future owners of the property will have better control on the second dwelling, he said.

Mr. Wallack responded that putting the garage so close to the house would negate the open space of the property. Ms. Greenbaum added that moving the garage and losing the trees would really change the character of the neighborhood. It would be better to keep it where it is currently located.

Mr. Simpson said that no solution is perfect. His goal was to balance the desires of the applicant with the regulations of the Bylaw and the interests of the Town. Plan #2 seems to have met those criteria.

Ms. Greenbaum repeated that she was in favor of Plan #2. The converted dwelling will stay small; it will be a one or two person house.

Other details of the plan are that the siding will be horizontal boards, and the height now will be more than 19 feet.

Mr. Woodhull focused on the parking. He said that the parking on the south side of the converted dwelling plus the dwelling will cut off the gardening area for those in the main house. Plan #2 cuts the open space in two. The applicants responded that they have no problem with that, the space is easily accessible via Paige Street, which is how they get there now.

Mr. Simpson asked if the Board could agree with Plan #2. Mr. Woodhull said that he still had concerns, but would go along with it at this time.

Ms. Greenbaum made a motion to continue the hearing to November 1st, at 7:30 PM. Mr. Simpson seconded the motion and the vote was unanimous to continue the hearing to November 1, 2007 at 7:30 PM.

Continued Public Hearing: November 1 and November 6, 2007

The petitioner was unavailable for the November 1st hearing date, and the hearing was continued to November 6, 2007.

Ms. Gees began the hearing by saying that the land swap proposed for Plan #2, the preferred option at the previous hearing had fallen through. So the petitioners went back and worked with the other plans that had

been considered. As a result, Ms. Gees and the petitioners had designed two more options which they presented to the Board.

1. The garage would be moved to the north into the main section of the lot where a 15-foot setback from Paige Street could be met. The location would be in the south-west corner of the main section, directly behind the Schneider house and shed. Some trees would have to be removed, but the petitioners would plant a new screen of trees north and south of the converted garage in order to shield the new dwelling from the Schneider's property and the petitioner's house. The orientation of the converted garage would remain as it currently is; it would not be rotated as considered previously. The two parking places would be located where the garage footprint is now. The parking surface would be permeable, a TRG mix.
2. The garage would be moved also into the main section of the lot, but closer to the house. The petitioners did not like this option as much, because so many of the trees on the property would be destroyed.

The Board agreed that option #1 was preferable, and further discussion ensued concerning the details of the new building plans and location. Some of the details include the following changes:

- The footprint of the dwelling would be 16'x 22', with a 2'x7' bump-out for the entrance.
- With the overhang, the exterior stairway, the bump-out, etc. the overall footprint would be about 500 square feet, thus meeting Section 3.3241.8 of the Bylaw for converted dwellings;
- With two floors, the livable area would be 700 square feet;
- The first floor entrance would be on the east side of the structure, where the former garage doors were located;
- The exterior staircase to the second floor would be on the north side of the dwelling and will have a roof;
- The south side would have the "bump-out" dormer for extra window space;
- The two floors would each be single rooms, with a spiral staircase connecting them inside;
- The ground floor will be at grade, no longer recessed as in the earliest submitted plan from July 15, 2007;
- The dwelling will be built on a slab, because the backyards of most of the houses in the area are damp;
- The new siding will match that of the existing garage as closely as possible;
- The trash/recycling will be located under the exterior stairs.

Ms. Greenbaum said that the trash should be screened, out of the wet and away from animals. Mr. Wallack said that he could enclose the area under the steps with lattice and hardware cloth.

Mr. Simpson asked how much of the existing building will be able to be used in the renovation. Mr. Wallack said that he could use some of the siding for the new dwelling and will use the old windows. He said that he will lovingly dismantle the garage and use as much of the building as possible. It is a deteriorated 70 year old building. Mr. Simpson recommended that Mr. Wallack use as much of the building as possible, in order to fit with the provisions of the Zoning Bylaw for conversions.

Ms. O'Meara said that she would like to have cedar shingles instead of the existing asphalt. Mr. Wallack disagreed. The Board had no preference.

Mr. Woodhull stated that he was pleased with the plans. A decrepit, non-conforming building would be replaced with one that would match the neighborhood and be conforming in terms of setbacks and footprint.

Ms. Greenbaum praised the applicants for their flexibility and trying many locations/floor. She said that the applicants arrived at the best building plan and location for their proposal.

Mr. Simpson made a motion to close the evidentiary portion of the public hearing. Ms. Greenbaum seconded the motion, and the vote was unanimous to close the public hearing.

Public Meeting:

Mr. Simpson asked the Board if there was any opposition to the proposal. Hearing none, the Board moved on to discuss findings and create conditions for the proposal if the Special Permit would be approved later.

Mr. Simpson made a motion to approve the conditions that were created in the public meeting. Ms. Greenbaum seconded the motion, and the vote was unanimous to approve the conditions if the Special Permit were also approved.

Findings:

The Board finds under Section 10.38 of the Zoning Bylaw, Specific Findings required of all Special Permits, that:

10.380 and 10.381 – The proposal is suitably located in the neighborhood and is compatible with existing uses because there are other garages converted to dwelling units in the neighborhood, and there was support from the neighbors for this conversion.

10.382 and 10.385 – The proposal would not constitute a nuisance and reasonably protects the adjoining premises against detrimental or offensive uses on the site because the new dwelling will be small, able to house only one or two adults, and will be set back from the road, protected by landscaping

10.383 and 10.387 – The proposal would not be a substantial inconvenience or hazard to abutters, vehicles or pedestrians and the proposal provides convenient and safe vehicular and pedestrian movement within the site and in relation to adjacent streets because the new dwelling is not closer to abutting houses than any other dwellings on the street and will provide parking safely off Paige Street.

10.384 and 10.386 – Adequate and appropriate facilities would be provided for the proper operation of the proposed use because the petitioner is a builder, quite familiar with the MA Building Code, and has submitted a well thought-out plan. Two parking places will be provided, and all the requirements of the Zoning Bylaw for converted dwellings have been met.

10.389 – The proposal provides adequate methods of disposal and/or storage for sewage, refuse, recyclables and other wastes because the dwelling will be connected to Town water and sewer lines, and refuse/recyclables will be screened under the steps, protected from wet and animals.

10.392 – The proposal provides adequate landscaping, including the screening of adjacent residential uses, because the applicant will be planting new trees both to the north and south of the new dwelling for screening of the abutting properties and the main house on the property.

10.393 – The proposal provides protection of adjacent properties by minimizing the intrusion of lighting because exterior lighting will be minimal and downcast.

10.395 – The proposal does not create disharmony with respect to the use, scale and architecture of existing buildings in the vicinity because the buildings in the neighborhood are small as will be the proposed converted garage, and the exterior of the dwelling will match that of the existing garage siding.

10.397 – The proposal provides adequate recreational facilities, open space and amenities for the proposed use because the new dwelling remains small and the open garden areas of the property will remain.

10.398 – The proposal is in harmony with the general purpose and intent of the Zoning Bylaw because it protects the health, safety, convenience and general welfare of the inhabitants of the Town of Amherst, and provides additional housing close to the downtown.

Public Meeting – Zoning Board Decision

Mr. Simpson made a motion to APPROVE the proposal to convert an existing detached garage into a second dwelling unit. Ms. Greenbaum seconded the motion.

For all the reasons stated above, the Board VOTED unanimously to grant a Special Permit to convert an existing detached garage into a second dwelling unit, under Section 3.3241 and 9.22 of the Zoning Bylaw, at 37 Cosby Avenue (Map 11C, Parcel 135, R-G Zoning District) as requested in the application of Erica Gees on behalf of Joan O'Meara and Dan Wallack, with conditions.

THOMAS SIMPSON

HILDA GREENBAUM

ALBERT WOODHULL

FILED THIS _____ day of _____, 2007 at _____,
in the office of the Amherst Town Clerk _____.

TWENTY-DAY APPEAL period expires, _____ 2007.
NOTICE OF DECISION mailed this _____ day of _____, 2007
to the attached list of addresses by _____, for the Board.

NOTICE OF PERMIT or Variance filed this _____ day of _____, 2007,
in the Hampshire County Registry of Deeds.

Town of Amherst
Zoning Board of Appeals

SPECIAL PERMIT

The Amherst Zoning Board of Appeals hereby grants a Special Permit to convert an existing detached garage into a second dwelling unit, under Section 3.3241 and 9.22 of the Zoning Bylaw, at 37 Cosby Avenue (Map 11C, Parcel 135, R-G Zoning District) as requested in the application of Erica Gees on behalf of Joan O'Meara and Dan Wallack, subject to the following conditions:

1. The dwelling shall be built according to the plans approved by the Board at the public meeting on November 6, 2007 and on file in the ZBA office, Planning Department.
2. Final site plans showing the location of the converted dwelling unit and plant screenings shall be submitted to the Board for approval at a public meeting prior to issuance of a building permit.
3. Trash and recycling shall be stored under cover and protected from the elements.
4. Two parking places shall be provided along Paige Street, both with permeable surfacing.
5. One of the two dwelling units on the property shall be owner occupied.
6. Permanent residents occupying the converted dwelling at any given time shall include no more than two adults.
7. The exterior siding of the converted dwelling shall match that of the existing siding.
8. The roof shall be either cedar shingles or match the existing shingles.
9. All exterior lighting for the converted dwelling shall be downcast.
10. A reflectorized street address shall be visible from both directions along Paige Street.

THOMAS SIMPSON, Chair
Amherst Zoning Board of Appeals

DATE